

Message

From: Guerrero, Carmen [guerrero.carmen@epa.gov]
Sent: 10/21/2020 8:27:16 PM
To: Pace, Donald [Pace.Donald@epa.gov]; Font, Jose [Font.Jose@epa.gov]; Tripp, Graham [tripp.graham@epa.gov]
CC: DeMarco, Frank [DeMarco.Frank@epa.gov]; Pastalove, Barbara [Pastalove.Barbara@epa.gov]; Rubel, Robert [Rubel.Robert@epa.gov]
Subject: RE: Guidance - Excused Absence for Voting

Thank you all for this important input! Gracias!

From: Pace, Donald <Pace.Donald@epa.gov>
Sent: Wednesday, October 21, 2020 4:23 PM
To: Guerrero, Carmen <guerrero.carmen@epa.gov>; Font, Jose <Font.Jose@epa.gov>; Tripp, Graham <tripp.graham@epa.gov>
Cc: DeMarco, Frank <DeMarco.Frank@epa.gov>; Pastalove, Barbara <Pastalove.Barbara@epa.gov>; Rubel, Robert <Rubel.Robert@epa.gov>
Subject: RE: Guidance - Excused Absence for Voting

Thanks Graham

Hi Carmen and Jose – as Graham has indicated below, the driving factor for granting an excused absence to vote is the time that the polls are open relative to the start/end time of the employee's regular schedule. If the polls are open or close at least 3 hours before/after and employee's start/end time, there can be no excused absence for voting granted. There is no provision in the regulations to provide an excused absence due to the length of time it may take an employee to vote. The decision as to whether or not an employee would be eligible for an excused absence can be made in advance of election day as it is solely based on the start/end time of the employee's regular schedule and the opening/closing times for the polls.

Here is an example from the OPM guidance that Graham provided a link to below.

For example, if an employee normally works from 8:00 a.m. to 4:30 p.m. and the employee's polling place is open from 7:00 a.m. to 8:00 p.m., the employee should not be granted excused absence for voting, since the employee would still have at least 3 hours after the end of his or her workday to vote. However, if an employee normally works from 8:00 a.m. to 4:30 p.m. and the employee's polling place is open from 7:00 a.m. to 7:00 p.m., the employee may be granted ½ hour of excused absence from 4:00 p.m. to 4:30 p.m., if requested.

Employees on alternative work schedules whose regular day off is scheduled for the day polls are open should not be permitted to change their regular day off solely for the purpose of gaining excused absence for voting.

I hope that this is helpful. If you or your management team still have questions, please let us know.

Thanks.

From: Tripp, Graham <tripp.graham@epa.gov>
Sent: Wednesday, October 21, 2020 3:03 PM
To: Pace, Donald <Pace.Donald@epa.gov>
Cc: DeMarco, Frank <DeMarco.Frank@epa.gov>; Pastalove, Barbara <Pastalove.Barbara@epa.gov>; Rubel, Robert

<Rubel.Robert@epa.gov>

Subject: RE: Guidance - Excused Absence for Voting

While most polling places should have expanded hours to allow people to vote before or after work hours, OPM guidance suggests that supervisors may grant a limited amount of excused absence to permit the employee to report for work 3 hours after the polls open or leave from work 3 hours before the polls close, whichever requires the lesser amount of time off. In a case where voting is taking longer than 3 hours – Employee's should inform their supervisors and they can request to use their own annual leave for the remainder of that time.

The complete OPM guidance for the 2020 election can be found here: <https://www.chcoc.gov/content/flexibilities-during-2020-election>

Thanks,

Graham Tripp
Labor and Employee Relations Officer
Environmental Protection Agency – Region 2
290 Broadway, 27th Floor
New York, New York 10007
Office: 212-637-4131

From: Pace, Donald <Pace.Donald@epa.gov>

Sent: Wednesday, October 21, 2020 12:44 PM

To: Tripp, Graham <tripp.graham@epa.gov>

Cc: DeMarco, Frank <DeMarco.Frank@epa.gov>; Pastalove, Barbara <Pastalove.Barbara@epa.gov>; Rubel, Robert <Rubel.Robert@epa.gov>

Subject: FW: Guidance - Excused Absence for Voting

From: Guerrero, Carmen <guerrero.carmen@epa.gov>

Sent: Wednesday, October 21, 2020 11:08 AM

To: Pace, Donald <Pace.Donald@epa.gov>; DeMarco, Frank <DeMarco.Frank@epa.gov>

Cc: Font, Jose <Font.Jose@epa.gov>

Subject: Guidance - Excused Absence for Voting

Saludos Don and Frank! Hope all is well.

As you may recall, during Puerto Rico's electoral primaries back in August 2020 there was a chaos with voting centers opening late in the day due to a delay in the printing and distribution of voting ballots.

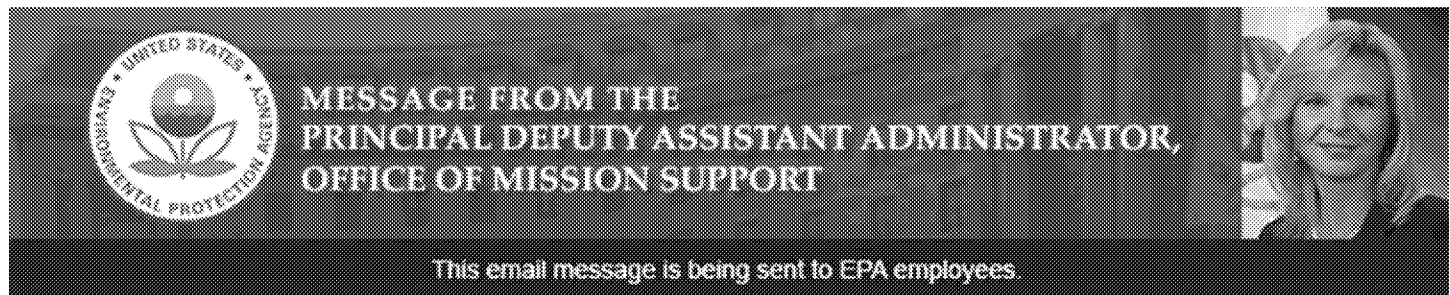
Some Branch Chiefs have requested guidance as to what to indicate to staff if a similar situation occurs during Election Day in Puerto Rico (Nov 3rd). As you may be aware, Puerto Rico does not have early voting alternatives, other than special arrangements for the elderly and people with special needs who can cast their votes by mail.

If a situation like the one in August occurs and staff are taking longer than 3 hours to issue their vote, what should Supervisors indicate to their staff? Should Supervisors manage the issue on November 3rd on a case by case basis, report to me, and then I would get MSD's guidance?

We understand that Donna Vizian's October 15, 2008 HR Bulletin on Excused Absence for Voting is still in effect.

I truly appreciate your input on this,
Carmen

From: MassMailer <massmailer@epa.gov>
Sent: Tuesday, March 3, 2020 9:35 AM
To: MassMailer <massmailer@epa.gov>
Subject: Excused Absence for Voting



From: Donna J. Vizian, Principal Deputy Assistant Administrator, Office of Mission Support

Election season is here and as a reminder, according to federal guidelines employees may be granted an excused absence (i.e., administrative leave) to vote depending on their work schedule and the polling times for their voting jurisdiction.

If the difference between an employee's scheduled arrival and departure times and the poll's opening and closing time is less than three hours, an employee is entitled to administrative leave, up to a maximum of three hours. If the polls open or close at least three hours before or after an employee's work schedule, no excused absence may be granted.

If an employee's voting place is beyond normal commuting distance and voting by absentee ballot is not permitted, the agency may grant excused absence (not to exceed one day) to allow the employee to travel to the voting place to cast a ballot. If more than one day is needed, the employee may request annual leave or leave without pay for the additional period of absence.

Any employee needing an excused absence to vote should seek approval from their first-line supervisor.

Please refer to the U.S. Environmental Protection Agency's policies regarding official time off for voting and the use of administrative leave. Some of the agency's collective bargaining agreements contain similar language. Please refer to those agreements or the applicable union point of contact for further information.

If you have questions regarding these guidelines, please contact the Policy and Accountability Branch, Office of Human Resources, at OHR PPTD PAB.